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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/813,290	
	Filing Date	03/20/01	
	First Named Inventor	Walke	
	Group Art Unit	1653	
	Examiner Name	B.D. Chism	
Total Number of Pages in This Submission	3	Attorney Docket Number	LEX-0151-USA

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**ENCLOSURES (check all that apply)**

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<input checked="" type="checkbox"/> Amendment / Reply (Restriction)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): return postcard
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Lance K. Ishimoto Reg. No. 41,866 Lexicon Genetics Incorporated
Signature	<i>Lance K. Ishimoto</i> <i>Peter G. Severian</i> <i>Keyd64d62</i>
Date	September 16, 2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 2326, Arlington, VA 22202 on September 16, 2002 this date:			
Typed or printed name	Nancy Stacey		
Signature	<i>Nancy Stacey</i>	Date	September 16, 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Walke *et al.*

Group Art Unit: 1653

Application No.: 09/813,290

Examiner: B.D. Chism

Filed: March 20, 2001

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Title: Novel Human Secreted Proteins and  
Polynucleotides Encoding the Same

Attorney Docket No.: LEX-0151-USA

**RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Examiner is respectfully requested to accept the following response to the Restriction and Election Requirement mailed August 16, 2002 (Paper No. 9), to consider the remarks therein.

**Restriction Requirement**

The Examiner has determined that the original claims are directed to two separate and distinct inventions under 35 U.S.C. § 121, as follows:

- |            |   |
|------------|---|
| Group I:   | Claims 1-4, said to be drawn to a nucleic acid sequence, classified in class 536, subclass 23.2.  |
| Group II:  | Claims 5-7, said to be drawn to a nucleic acid sequence, classified in class 536, subclass 23.2.  |
| Group III: | Claims 8-10, said to be drawn to a nucleic acid sequence, classified in class 536, subclass 23.2. |

**Response to Restriction and Election Requirement**

In response to the Restriction Requirement mailed August 16, 2002 (Paper No. 9), Applicants

elect without traverse to prosecute the claims of Group I, comprising Claims 1-4, said to be drawn to a nucleic acid sequence, classified in class 536, subclass 23.2. Applicants further elect, pursuant to 35 U.S.C. § 121, the species of nucleic acid SEQ ID NO:1 (and encoded amino acid sequence SEQ ID NO:2) for initial examination on the merits. Elected Claims 1-4 read on the elected species. Accordingly, claims 5-10 are canceled as being drawn to non-elected inventions. Applicant reserves the right to refile claims to the non-elected inventions in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

Although Applicants believe that no additional fees are due in connection with this response, the Commissioner is authorized to charge any underpayment or credit any overpayment required with this response to Deposit Account No. 50-0892.

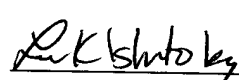
### Conclusion

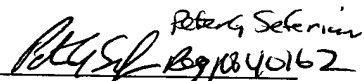
The present document is a complete response to the Restriction Requirement. Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should the Examiner have any questions or comments a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

09/16/02

Date

  
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